

July 6, 2023

Via CM/ECF

The Honorable Malachy E. Mannion
U.S. District Court
Middle District of Pennsylvania
PO Box 1148
235 N. Washington Avenue
Scranton, PA 18501-1148

**RE: *Sterling and Wilson Solar Solutions Inc. v. Bank of America, N.A.*
3:23-cv-01110-MEM**

Dear Judge Mannion -

We write for Plaintiff Sterling and Wilson Solar Solutions Inc., copying counsel to Proposed Intervenor Montague Solar, LLC, the beneficiary of the at-issue letter of credit and counsel for Bank of America.

We write to alert the Court that Sterling, Montague, and Bank of America are working on a joint stipulation that would moot the need for Your Honor to decide Plaintiff's pending motion for a temporary restraining order and preliminary injunction (ECF 4). Specifically, we are conferring on a stipulation to (i) permit Montague Solar, LLC's intervention, and (ii) transfer this action by consent under 28 U.S.C. § 1404 to the Southern District of New York, where there is a related action that is pending. *See Sterling and Wilson Solar Solutions, Inc. v. JPMorgan Chase Bank, N.A.*, Case No. 23-cv-05711 (S.D.N.Y., Judge Caproni).

In light of the pending stipulation, Sterling, Montague, and Bank of America respectfully request that the Court not rule on the pending motion. The parties will follow up with the proposed stipulation as soon as practicable.

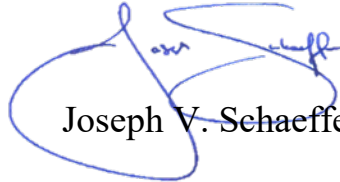
In the interim, the parties are available to address any questions at the Court's convenience.

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Sincerely,



Joseph V. Schaeffer

JVS/

Enclosures

cc: Counsel of Record (**Via CM/ECF**)

Jason Stone, Counsel at Bank of America, N.A. (**Via E-mail**)

Dan Brier, Myers, Brier & Kelly, LLP, Counsel to Montague Solar, LLC

Judson Brown, Kirkland & Ellis LLP, Counsel to Montague Solar, LLC